

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 5, 7, 8, 10, 14, and 16 will have been amended, new claim 26 will have been entered for consideration by the Examiner, and claims 6, 9, 11 – 13, 15, and 17 – 25 will have been canceled without prejudice or disclaimer. However, Applicant reserve the right to refile the subject matter of claim 5 (prior to the instant amendment) and of canceled claims 6, 9, 11 – 13, 15, and 17 – 25 in one or more continuing applications. Accordingly, claims 5, 7, 8, 10, 14, 16, and 26 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has rejected the over the applied art of record. Further, the Examiner has acknowledged that the application contains allowable subject matter and has provided two draft claims considered by the Examiner to be allowable. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Allowable Subject Matter

Applicant gratefully acknowledges the care exhibited by the Examiner in examining the instant application and the claims drafted by the Examiner to recite features of the invention. As the Examiner has indicated these claims would be allowable, Applicant has amended independent claim 5 to correspond to the Examiner's proposed claim (A), and has presented the Examiner's draft claim (B) as new claim 26.

Accordingly, reconsideration and withdrawal of the rejections is requested and now believed proper.

Entry of Amendment is Proper

As the instant amendment to claim 5 and new claim 26 were proposed by the Examiner to place the application into condition for allowance, Applicant submits no new issues are raised that would required consideration by the Examiner, nor is any question of new matter raised. Further, as the remaining amendments to the claims have been made to correspond to the Examiner's proposed allowable claims, no new issues or question of new matter is raised in entering these claims.

Accordingly, entry of the instant amendment and consideration of the pending claims is respectfully requested.

Rejections Under 35 U.S.C. § 102(b) is Moot

Applicant submits that the rejection of claims 5, 12, and 17 under 35 U.S.C. § 102(b) as being anticipated by LUSTENADER et al. (U.S. Patent No. 3,478,494) [hereinafter "LUSTENADER"] is moot. The Examiner asserts that LUSTENADER teaches all of the structural features recited in these claims and that the device of LUSTENADER would inherently remove oil from a gas stream. Applicant traverses the Examiner's assertions.

While Applicant does not acquiesce that claims 5, 12, and 17 as presented in the previous response are anticipated by LUSTENADER, in an effort to advance prosecution in this matter, Applicant has amended independent claim 5 to correspond to the Examiner's proposed allowable claim (A), and have canceled independent claims 12 and 17 without prejudice or disclaimer. Moreover, independent claim 26, which corresponds to the Examiner's proposed allowable claim (B), has also been added for consideration by the Examiner. Further, Applicant has expressly reserved the right to refile the subject matter of claim 5, as previously presented, and of canceled claims 12 and 17 in one or more continuing applications.

As independent claims 5, as now amended, and new claim 26 are allowable for the reasons noted by the Examiner in the pending Office Action, the instant rejection is moot and should be withdrawn.

Therefore, Applicant requests that the Examiner reconsider and withdrawn the above-noted rejection under 35 U.S.C. § 102(b) and indicate that claims 5 and 26 are allowed.

Rejections Under 35 U.S.C. § 103(a) is Moot

1. Over Lustenader in view of Gillingham

Applicant submits that the rejection of Claims 6 – 11, 13 – 16 and 18 – 21 under 35 U.S.C. 103(a) as being unpatentable over LUSTENADER in view of GILLINGHAM et al. (U.S. Patent No. 4,588,423) [hereinafter “GILLINGHAM”] is moot. The Examiner asserts that the combination of these documents discloses or suggests all of the features recited in the above-noted dependent claims. Applicant traverses the Examiner’s assertions.

By the present amendment, claims 6, 9, 11, 13, 15, and 18 – 21 will have been canceled without prejudice or disclaimer, such that the rejection of these claims is moot. Moreover, Applicant has expressly reserved the right to refile the subject matter of these canceled claims in one or more continuing applications.

Further, Applicant submits that claims 7, 8, 10, 14, and 16 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of LUSTENADER in view of GILLINGHAM under 35 U.S.C. § 103(a) can render obvious the invention recited in at least claims 7, 8, 10, 14, and 16.

Accordingly, Applicant requests that the Examiner reconsider and withdrawn the above-noted rejection under 35 U.S.C. § 103(a) and indicate that claims 7, 8, 10, 14, and 16 are

allowed.

2. Over Lustenader in view of Gillingham and further in view of Krausse

Applicant submits that the rejection of claims 5 – 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over LUSTENADER and GILLINGHAM in view of KRAUSSE (European Patent Application No. 0 685 635). The Examiner asserts that the combination of these documents discloses or suggests all of the features recited in the above-noted claims. Applicant traverses the Examiner's assertions.

While Applicant does not acquiesce that claims 5, 12, and 17 as presented in the previous response are rendered unpatentable over any proper combination of LUSTENADER in view of GILLINGHAM and further in view of KRAUSSE under 35 U.S.C. § 103(a), in an effort to advance prosecution in this matter, Applicant has amended independent claim 5 to correspond to the Examiner's proposed allowable claim (A), and have canceled independent claims 12 and 17 without prejudice or disclaimer. Moreover, independent claim 26, which corresponds to the Examiner's proposed allowable claim (B), has also been added for consideration by the Examiner. Further, as discussed above, Applicant has expressly reserved the right to refile the subject matter of claim 5, as previously presented, and of canceled claims 12 and 17 in one or more continuing applications.

As independent claims 5, as now amended, and new claim 26 are allowable for the reasons noted by the Examiner in the pending Office Action, the instant rejection is moot and should be withdrawn.

Further, by the present amendment, claims 6, 9, 11, 13, 15, and 18 – 21 will have been canceled without prejudice or disclaimer, such that the rejection of these claims is moot. However, Applicant has expressly reserved the right to refile the subject matter of these canceled

claims in one or more continuing applications.

Moreover, Applicant submits that claims 7, 8, 10, 14, and 16 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of LUSTENADER in view of GILLINGHAM under 35 U.S.C. § 103(a) can render obvious the invention recited in at least claims 7, 8, 10, 14, and 16.

Accordingly, Applicant requests that the Examiner reconsider and withdrawn the above-noted rejection under 35 U.S.C. § 103(a) and indicate that claims 5, 7, 8, 10, 14, 16, and 26 are allowed.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

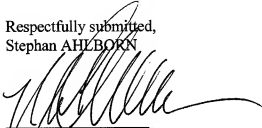
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 5, 7, 8, 10, 14, 16, and 26. The applied references of record have been discussed and distinguished, while significant claimed features of the present

invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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July 11, 2008
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